

## **1.0 PURPOSE AND AUTHORITY**

### **1.1 PURPOSE**

The purposes of this zoning ordinance are to achieve the objectives of the Zoning Enabling Act, Chapter 40A of the General Laws of Massachusetts, as amended, as presented in Section 2A of Chapter 808 of the Acts of 1975 and to promote the health, safety, and general welfare of the inhabitants of the City of Chelsea. The objectives include, but are not limited to, the following: to lessen congestion in the streets; to conserve health; to secure safety from fire, flood, panic, congestion, confusion and other dangers; to provide adequate light and air; to prevent overcrowding of land; to avoid other dangers, to avoid undue concentration of population; to encourage housing for persons of all income levels; to facilitate the adequate provision of transportation, water, water supply, drainage, sewerage, schools, parks, open space and other public requirements; to conserve the value of land and buildings, including the conservation of natural resources and the prevention of blight and pollution of the environment; to encourage the most appropriate use of land throughout the City of Chelsea, and to preserve and increase amenities.

### **1.2 AUTHORITY**

This ordinance is adopted under the authority provided by, and in accordance with the provisions of Chapter 103 of the Acts of 1994, the Chelsea Charter Act; the provisions of Chapter 200 of the Acts of 1991, An Act Establishing a Receivership for the City of Chelsea; Chapter 103 of the Acts of 1995; the Zoning Act, G.L. c. 40A, as amended; Section 2A of 1975 Mass. Acts 808; and Article 89 of the Amendments to the Constitution of the Commonwealth of Massachusetts.

### **1.3 APPLICABILITY**

**1.3.1 Force and Effect.** The adoption of this zoning ordinance shall have the force and effect of repealing all presently existing zoning ordinances and regulations and amendments thereto, heretofore adopted by the City of Chelsea. This zoning ordinance and the repeal of all presently existing zoning ordinances and regulations heretofore in force shall not affect any act done, any right accrued, or any penalty or liability incurred on any suit, prosecution, or proceeding pending at the time this ordinance becomes effective.

**1.3.2 Effective Date.** The effective date of the regulations and restrictions of this ordinance, and the establishment of the respective districts shall be May 19, 2003, except as otherwise modified or amended by specific or general provision enacted after the date set out in this subsection.

**1.3.3 Other Regulations.** In general this ordinance is supplementary to other ordinances affecting the use and dimensions of buildings, structures, and premises. Where this ordinance imposes greater restrictions than imposed by other ordinances, the provisions of this ordinance shall control.

**1.3.4 Effect of Invalidity.** The invalidity of any section or provision of this ordinance shall not render invalid any other section of this ordinance.

**1.3.5 Uniformity.** Nothing in this ordinance shall be construed as establishing regulations or restrictions which are not uniform for each class or kind of buildings, structures or land, and for each class or kind of use in each district.

#### **1.4 ADOPTION OF AMENDMENTS**

**1.4.1 General.** This ordinance may be amended from time to time by a two-thirds affirmative vote of the City Council in accordance with the provisions of G.L. c. 40A.

**1.4.2 Public Hearing.** No amendment to this ordinance shall be

adopted until after the Planning Board and the City Council have each held a public hearing, together or separately.

**1.4.3 Notice.** Notice of the time, place and subject matter of each required hearing shall be given as provided in G.L. c. 40A, s. 5.

**1.4.4 Action.** After the appropriate hearings have taken place the City Council may adopt, reject, or amend and adopt any such proposed ordinance.

## **1.5 SEVERABILITY**

If any section, paragraph, sentence, or clause of this ordinance shall be declared unconstitutional, invalid or inoperative by the valid judgment or decree of any court of competent jurisdiction, such offensive provision shall be severed herefrom, and such determination shall not affect any of the remaining clauses, sentences, paragraphs and sections herein.

